

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS as
Administratrix of the Estate of
KENNETH WATERS,
Plaintiff,

VS.

TOWN OF AYER,
NANCY TAYLOR-HARRIS,
ARTHUR BOISSEAU,
BUDDY DECOT,
WILLIAM ADAMSON,
JOHN AND JANE DOES 1-16,

Defendants.

CIVIL ACTION
NO. 04-10521-GAO

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Plaintiff Betty Anne Waters moves this Court pursuant to Federal Rules of Civil Procedure 34(b) and 37(a) to compel production of discoverable material demanded in Plaintiff's Amended Second Request for Production of Documents. In support of this Motion, plaintiff submits the accompanying Memorandum of Law.

WHEREFORE, for the reasons set forth in Plaintiff's Memorandum of Law, this Court should Order the defendants to produce documents concerning the investigation of Ernest Downing, the Ties incident, the investigation of Stanley Randall, and potentially other allegations, complaints, or investigations of Ayer Police Department ("APD") officers for misconduct from May 21, 1976 to the present.

Respectfully submitted,

BETTY ANNE WATERS,
By her attorneys

/s/ Robert N. Feldman
BIRNBAUM & GODKIN, LLP
Robert N. Feldman (BBO # 630734)
280 Summer Street
Boston, MA 02210
Tel: 617-307-6100
Fax: 617-307-6101

Barry C. Scheck, Esq.
Deborah L. Cornwall, Esq.
Monica Shah, Esq.
Cochran Neufeld & Scheck, LLP
99 Hudson St., 8th Floor
New York, NY 10013
(212) 965-9081

L.R. 37 CERTIFICATE

I hereby certify that the provisions of L.R. 37 have been complied with.

May 3, 2007

/s/ Robert N. Feldman
Robert N. Feldman

CERTIFICATE OF CONFERENCE PURSUANT TO L.R. 7.1(A)(2)

Pursuant to L.R. 7.1(A)(2), I certify that the parties have conferred in good faith in an attempt to resolve or narrow the issues presented by this motion but no agreement was reached.

May 3, 2007

/s/ Robert N. Feldman
Robert N. Feldman

CERTIFICATE OF SERVICE

I, Robert N. Feldman, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 3, 2007.

/s/ Robert N. Feldman

Robert N. Feldman